

SENATE JOURNAL

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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 27, 2008**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Bastian, Burkett, Cameron, Langhorst, Lodge, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Wade Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 26, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bastian, Burkett, and Stennett was recorded present at this order of business.

February 27, 2008

The JUDICIARY AND RULES Committee reports that **S 1442, S 1443, S 1444, SCR 131, and SCR 132** have been correctly printed.

DARRINGTON, Chairman

S 1442 was referred to the Transportation Committee.

S 1443 was referred to the Health and Welfare Committee.

S 1444 was referred to the Commerce and Human Resources Committee.

SCR 131 and **SCR 132** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 26, 2008

The JUDICIARY AND RULES Committee reports that **S 1306** and **S 1355** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1306** and **S 1355** and ordered them transmitted to the House for the signature of the Speaker.

February 26, 2008

The JUDICIARY AND RULES Committee reports that **S 1379**, as amended, and **S 1400**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1379, as amended, and **S 1400**, as amended, were filed for first reading.

February 26, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1379** and **S 1400** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 26, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1250, S 1273, S 1274, S 1282, S 1287, S 1307, S 1317, S 1322, and S 1342** were delivered to the Office of the Governor at 2:40 p.m., February 26, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 26, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1393** with the recommendation that they do pass.

ANDREASON, Chairman

S 1393 was filed for second reading.

February 26, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 469** with the recommendation that it do pass.

HILL, Chairman

H 469 was filed for second reading.

February 26, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 460** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

HILL, Chairman

H 460 was filed for second reading.

February 26, 2008

The AGRICULTURAL AFFAIRS Committee reports out **H 392**, **H 393**, and **H 394** with the recommendation that they do pass.

GANNON, Chairman

H 392, **H 393**, and **H 394** were filed for second reading.

February 26, 2008

The HEALTH AND WELFARE Committee reports out **H 442** with the recommendation that it be referred to the Judiciary and Rules Committee.

LODGE, Chairman

There being no objection, **H 442** was referred to the Judiciary and Rules Committee.

February 26, 2008

The EDUCATION Committee reports out **S 1436** with the recommendation that it do pass.

GOEDDE, Chairman

S 1436 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 26, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1248, S 1261, S 1262, and S 1337

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 26, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1288

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 26, 2008

Mr. President:

I transmit herewith **H 546**, **H 503**, **H 411**, **H 412**, **H 494**, **H 456**, and **H 501**, which have passed the House.

ALEXANDER, Chief Clerk

H 546, **H 503**, **H 411**, **H 412**, **H 494**, **H 456**, and **H 501** were filed for first reading.

February 26, 2008

Mr. President:

I transmit herewith Enrolled **HCR 39** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 39** and ordered it returned to the House.

February 26, 2008

Mr. President:

I return herewith Enrolled **SCR 126**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SCR 126** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Norman T. (Bud) Langerak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Richardson, seconded by Senator Davis, the Gubernatorial appointment of Norman T. (Bud) Langerak as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Langhorst was recorded present at this order of business.

The President announced that **HJM 6** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McGee, seconded by Senator Werk, **HJM 6** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Lodge and Stegner were recorded present at this order of business.

S 1445 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1445 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1379, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

S 1400, as amended, by Local Government and Taxation Committee, was read the first time at length and filed for second reading.

H 546, by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 503, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 411, **H 412**, and **H 494**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 456 and **H 501**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 353, **H 370**, and **H 408**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 376, as amended, **H 375**, and **H 508**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 443, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1439, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

H 445 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner. Total - 27.

NAYS--Bilyeu, Burkett, Kelly, Langhorst, Sagness (Malepeai), Stennett, Werk. Total - 7.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 445** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Cameron to the Chair.

S 1252, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--Schroeder. Total - 1.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1252**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 351, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 351** passed, title was approved, and the bill ordered returned to the House.

H 366, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 366** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Hammond, granted by unanimous consent, **H 440**, having been held, was referred to the Fourteenth Order of Business, General Calendar.

H 429 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 429** passed, title was approved, and the bill ordered returned to the House.

H 457 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 457** passed, title was approved, and the bill ordered returned to the House.

H 409 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 409** passed, title was approved, and the bill ordered returned to the House.

H 381 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Richardson and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Fulcher disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 381** passed, title was approved, and the bill ordered returned to the House.

H 388 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 388** passed, title was approved, and the bill ordered returned to the House.

H 378 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 378** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 385, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burkett and Fulcher arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 385**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

February 27, 2008

Mr. President:

I transmit herewith Enrolled **H 445** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 445** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:02 p.m. until the hour of 10 a.m., Thursday, February 28, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary